IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

Bail Appl..No. 5721 of 2007()

CMP.6960/2007 of J.M.F.C.,KATTAKADA
CR.NO.83/2007 OF ARYANAD EXCISE RANGE

.....

: PETITIONER/ACCUSED

SHAILAJA, D/O SARASWATHY,
THINAVILU PUTHEN VEEDU,
PARUTHIPALLY, KAKKUDIMURY,
MANOORKARA VILLAGE, NEDUMANGAD.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS: COMPLAIANANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/09/2007 ALONG WITH B.A.NOS.5722 & 5724 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5721, 5722 and 5724 of 2007

Dated this the 24th day of September 2007

O R D E R

Application for regular bail. These applications are for regular bail and are filed by the same petitioner - a woman. She was allegedly found in possession of illicit arrack on three occasions, 7 litres, 10 litres and 10 litres respectively. On earlier occasions she was not arrested. But she was arrested and taken into custody on 23/8/2007. Subsequently, her arrest was recorded in the other two cases. The petitioner continues in custody from 23/8/2007. The learned counsel for the petitioner submits that the allegations are false and that the petitioner who has admittedly been continuing in custody from 23/8/2007 may now be enlarged on bail. All the three cases relate to the same excise range, it is pointed out.

2. The learned Public Prosecutor opposes the application. The allegations are serious. There are three instances of commission of identical crime. The petitioner may not be enlarged on bail at the present stage, submits the learned Public Prosecutor.

3. Having considered all the relevant circumstances, I find merit in the opposition by the learned Public Prosecutor. In the wake of the opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if this court is in a position to entertain the twin satisfactions under Section 41A of the Kerala Abkari Act. I do not find any circumstances which can persuade this court to entertain either of those two satisfactions at the moment. I am satisfied that these petitions deserve to be dismissed now.

4. In the result, these petitions are dismissed. I may hasten to observe that the petitioner shall be at liberty to move this court for bail at later stage of the investigation, not at any rate, prior to 05/10/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007